

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ANTHONY SMITH,
Plaintiff,

v.

H. MADSEN, et al.,
Defendants.

Case No. [21-cv-04590-JSC](#)

**ORDER DENYING REQUEST FOR
COURT ORDER**

Re: Dkt. No. 21

Plaintiff, a California prisoner proceeding pro se, filed this civil rights lawsuit against three correctional officers at his prison, the California Training Facility (“CTF”). The parties consented to the jurisdiction of a Magistrate Judge. Defendants filed a motion for partial summary judgment, and Plaintiff’s opposition is due on or before November 24, 2021. Plaintiff has filed a request for an order prohibiting prison officials at CTF from opening his legal mail outside of his presence. Plaintiff has not indicated whether the officials who are violating this right are Defendants or other CTF officials, and the Court does not have jurisdiction to issue orders against non-parties. . While prison officials generally may not open incoming legal mail outside of a prisoner’s presence, *see Hayes v. Idaho Correctional Center*, 849 F.3d 1204, 1211 (9th Cir. 2017), the Court cannot issue an order against unidentified prison officials, particularly if any of those officials are not Defendants. Accordingly, Plaintiff’s request is DENIED.

Plaintiff has filed numerous discovery requests with the Court, including interrogatories, requests for admissions, and document requests. Discovery requests must be sent to Defendants’ lawyer, not filed with the Court.

1 Plaintiff indicates that he does not know whether some of the mail to the Court arrived.
2 The Clerk shall mail Plaintiff a copy of the Court's docket --- which shows what the Court has
3 received --- along with this Order.

4 **IT IS SO ORDERED.**

5 Dated: November 3, 2021

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8 JACQUELINE SCOTT CORLEY
9 United States Magistrate Judge
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